

REMARKS

Claims 1-25 and 28-38 are pending. As the above-amendments are presented in the format described in the proposed revision to 37 CFR § 1.121, no clean copy of the amended claims is being provided.

I. Claim Amendments/New Claims

Claims 1 and 28 have been amended. The features presented therein are supported throughout the present specification, for instance, in the Examples and the paragraph bridging pages 17 and 18.

Claims 29-38 have been added. These new claims are directed to previously unclaimed subject matter presented in the specification at page 15, line 4 to page 17, line 14.

No new matter is being entered.

II. JP '571, GB '982, Siry et al., and Barker et al.

Claims 1, 2, 8-11, 14 and 18 stand rejected under 35 USC § 102, as allegedly being anticipated by, or in the alternative, as allegedly being unpatentable over JP 4-126571. (Although not listed in the beginning of the rejection presented in Paragraph 5, it is understood that claims 10, 11 and 14 are part of this rejection.) Additionally, claims 3, 12, 13, 15-17, 23-25 and 28 stand rejected under 35 USC § 103(a) as allegedly being unpatentable over JP '571 alone, or in view of GB 2324982, Siry et al. (U.S. Patent No. 4,501,635), or Barker et al (U.S. Patent No. 4,233,343).

However, in light of the amendments presented above, reconsideration is requested. Specifically, the present claims have been amended to recite the inclusion of hard particles, as originally presented in claim 4. Thus, as none of the references discussed in Paragraphs 5, 6 and 8-10 of the Office Action either teach or suggest to utilize particles, withdrawal of these rejections is requested.

III. JP '571 in view of Gaeta et al.

Claims 4-7 stand rejected under 35 USC § 103(a) as allegedly being unpatentable over JP '571 in view of Gaeta et al. (U.S. Patent No. 5,624,471). The Office Action asserts that JP '571

teaches each feature of the rejected claims, except for including wear particles into the upper topcoat layer, for which purpose Gaeta et al. is cited. The Office Action states that it would have been obvious to incorporate the abrasion resistant particles in the curable layer to provide a desired hardness and abrasion resistance.

However, Applicants respectfully present that while Gaeta et al. may teach to provide an abrasive grit to a backing to produce a coated abrasive material, there is no suggestion to sprinkle the hard particles on the surface, cure the backing, and then remove at least a portion of the hard particles by a stream of high pressure air (as currently recited by claim 1, from which claims 4-7 depend) In particular, Gaeta et al. merely presents that the abrasive grit is “bonded” to the backing without any further instruction. By performing the steps as presently recited, i.e., 1) sprinkling the hard particle on, 2) curing, and 3) removing a portion of the particles, the particles can be evenly distributed. Specifically, because the particles are applied prior to the curing step, the high pressure air is sufficient to remove any non-adhered particles from the surface. Thus, the particles may form an even single layer across the surface of the surface element. There is no teaching nor suggestion to sprinkle, cure then remove the particles.

IV. Conclusion

It is respectfully submitted that all objections and/or rejections are overcome by the above amendment and remarks. Thus, entry of the amendments and passage of the application to allowance are respectfully requested.

Respectfully submitted,



Thomas P. Pavelko
Registration No. 31,689

TPP/EPR
Attorney Docket No.: TPP 31352
STEVENS, DAVIS, MILLER & MOSHER, L.L.P.
1615 L Street, N.W., Suite 850
Washington, D.C. 20036
Telephone: (202) 785-0100
Facsimile: (202) 408-5200 or (202) 408-5088

Date: _____